



Juvenile Justice Training Academy Lesson Plan

Program: Juvenile Probation Supervision Officer Basic Course		Citation Source: TAC 37 Chapter 344	
Required by: <input type="checkbox"/> Texas Statute <input checked="" type="checkbox"/> Texas Administrative Code <input type="checkbox"/> Professional Development			
Course Title: Foundations of Juvenile Law Texas Family Code and Related Laws			
Developed By: Legal Education and Technical Assistance Section Office of the General Counsel		Date: December 2017	
Revised By: Delisha McLain, Curriculum Developer		Date: December 1, 2018	
PARAMETERS			
Course Duration: 2.50 Hours		Minimum Maximum Participants Recommended: 5 - 50	
Instructional Setting: Classroom		Target Audience: Juvenile Probation Supervision Officers completing mandatory training.	
COURSE DESCRIPTION			
This course examines juvenile laws as outlined in the Texas Family Code and other related laws. Strategies regarding how juvenile justice professionals may navigate the law with juveniles on supervision will be discussed.			
APPROVALS			

Technical Authority

Nydia Thomas, Deputy General Counsel Date
Office of the General Counsel

Training Authority

Kristy Almager, Director Date
Juvenile Justice Training Academy

OBJECTIVES

At the conclusion of this course, participants will be able to:

1. Discuss laws governing the juvenile justice system as outlined in the Texas Family Code and related laws.
2. Examine procedural requirements necessary when supervising juveniles.
3. Critically consider how juvenile law is applied in the juvenile justice system.

INSTRUCTOR MATERIALS

1. TJJD Approved Lesson Plan, December 1, 2018
2. Copy of Current Power Point Show
3. Copy of Current Participant Guide

PARTICIPANT MATERIALS

1. Copy of Current Participant Guide

REFERENCES

1. Cornell Law School. Legal Information Institute. *28 CFR 115.5 – General Definitions*. <https://www.law.cornell.edu/cfr/text/28/115.5>. Accessed May 10, 2018.
2. Crossword Puzzle Games. *Create Crossword*. <http://www.crosswordpuzzlegames.com/cgi-bin/create.cgi>. Accessed April 30, 2018.
3. Dawson, Robert, et. al., *Texas Juvenile Law* (Texas Juvenile Justice Department, 8th and 9th ed. 2018).
4. Georgia Legal Aid. *The Juvenile Justice System*. <https://www.georgialegalaid.org/resource/the-juvenile-justice-system>. Accessed May 2, 2018.
5. Interstate Commission for Juveniles. *About ICJ*. <https://www.juvenilecompact.org/>. Accessed May 2, 2018.
6. Law Library – American Law and Legal Information. Free Legal Encyclopedia. *Prohibition Party to Pure Theory of Law. Punishment-Theories of Punishment*. <http://law.jrank.org/pages/9576/Punishment-THEORIES-PUNISHMENT.html>. Accessed April 5, 2018.
7. Teaching Civics. *Juvenile Justice Introduction*. <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/>. Accessed April 6, 2018.
8. Texas Administrative Code. Chapter 355. *Non-Secure Correctional Facilities*. https://www.tjjd.texas.gov/publications/Standards/TAC_Ch_355.pdf. Accessed April 25, 2018.
9. Texas Juvenile Justice Department. *About*. http://www.tjjd.texas.gov/aboutus/agency_mission.aspx. Accessed April 25, 2018.
10. Ibid. *Board Governance and Policy Manual*. http://www.tjjd.texas.gov/policies/board/board_manual.pdf. Accessed April 23, 2018.
11. Ibid. *Interstate Compact for Juveniles*. <https://www.tjjd.texas.gov/services/icj.aspx>. Accessed May 2, 2018.

12. Ibid. General Administrative Policy Manual. *Detention for Youth Pending Level I or II Hearing*. <https://www.tjtd.texas.gov/policies/gap/380/95/gap3809561.pdf>. Accessed May 10, 2018.
13. Ibid. Publications. *The State of Juvenile Probation Activity in Texas*. http://www.tjtd.texas.gov/publications/reports/RPT_STAT_2016.pdf. Accessed May 4, 2018.
14. Ibid. Statistics. *Juvenile Justice Legislative Update 85th Legislative Session*. http://www.tjtd.texas.gov/statistics/2017_datacon/21SummaryOfLeg.pdf. Accessed April 27, 2018.
15. Ibid. *Parental Rights and Responsibilities*. <http://www.tjtd.texas.gov/publications/forms/2005/TJPCAGE0105.pdf>. Accessed May 2, 2018.
16. Ibid. *Sentenced Offenders. Background*. http://www.tjtd.texas.gov/about/sentenced_offenders.aspx. Accessed April 5, 2018.
17. Ibid. *TJJD Facilities Address List*. http://www.tjtd.texas.gov/programs/facilities_list.aspx. Accessed April 23, 2018.
18. Ibid. *Understanding the Texas Juvenile Justice Department and the Parents' Bill of Rights*. https://www.tjtd.texas.gov/programs/family_handbook/Understanding_The_Family_Handbook.pdf. Accessed May 7, 2018.
19. Texas Family Code. Title 3. *Juvenile Justice Code. Chapter 51*. www.statutes.legis.state.tx.us/Docs/SDocs/FAMILYCODE.pdf. Accessed April 5, 2018.
20. Texas Human Resources Code. *Title 10*. <http://www.statutes.legis.state.tx.us/Docs/SDocs/HUMANRESOURCECODE.pdf>. Accessed April 26, 2018.
21. The Law Office of Matthew D. Sharp. Houston Criminal Law Blog. *What are the Most Common Juvenile Crimes?* <https://sharpcriminalattorney.com/criminal-law/2984/common-juvenile-crimes/>. Accessed April 27, 2018.
22. Vimeo. *In the Courtroom*. <https://vimeo.com/9424813>. Accessed April 23, 2018.
23. Youth Justice. Training Materials. *Case Studies*. www.uncrcletsgetitright.co.uk/index.php/training-materials/case-studies/...youth.../file. Accessed May 2, 2018.
24. YouTube. *Decisions: Adult Decisions and the Juvenile Justice System*. <https://www.youtube.com/watch?v=NhGaFWrXizU&feature=youtu.be>. Accessed April 23, 2018.

ACKNOWLEDGEMENTS

1. Texas Juvenile Justice Department. Juvenile Justice Training Academy. JPO/JSO Basic Course. *Foundations of Juvenile Law*. August 2014.
2. Thomas, Nydia. Special Counsel. Texas Juvenile Justice Department: Office of General Counsel (OGC) – Legal Education and Technical Assistance. Subject Matter Expert.

EQUIPMENT AND SUPPLIES

- | | |
|---|--|
| <input checked="" type="checkbox"/> Projector | <input checked="" type="checkbox"/> Screen |
| <input checked="" type="checkbox"/> Laptop computer | <input type="checkbox"/> Post-it Notes |
| <input checked="" type="checkbox"/> Chart Pad(s) or White Board | <input checked="" type="checkbox"/> Laser Remote |
| <input type="checkbox"/> Easel Stand (s) | <input checked="" type="checkbox"/> Batteries for Laser Remote |
| <input checked="" type="checkbox"/> Marker(s) | <input type="checkbox"/> Other |

SCHEDULE

Introduction	10:00
Section I – Fundamentals	30:00
Section II – Case Flow	50:00
Section III – Activity Facts of Law.....	50:00
Final Thoughts	10:00

LEGEND



For Your Eyes Only

This is information for the Trainer only – it is facilitator guidance (i.e. Activity Instructions)



Speaker Notes

This will indicate information to be shared with participants



Action

This will direct facilitator when to do something (i.e. click to activate bullets, start media if necessary, chart participant responses)



Activity

This will indicate activity (small or large; individual or collaborative) before continuing on with presentation

Note: Unless otherwise indicated in the lesson plan and based on class size, the trainer has the discretion to use a designated group activity as an individual activity. The trainer shall process the activity, whether as designated or individually in an effort to maximize the learning environment for the participants.

IMPORTANT TRAINER INFORMATION

1. Prepare a **Parking Lot**. If a particular training course lends itself to potentially lengthy discussions that compromise training time, trainers are encouraged to prepare and use a Parking Lot in an effort to manage questions and time constraints efficiently. The Parking Lot is a piece of blank chart paper, titled **Parking Lot**. Paper is placed on a wall at the beginning of the training session, easily accessible to everyone.

If the Parking Lot is used, place several pads of post-it® notes on participant tables for use during the training session and provide participants instructions on how a Parking Lot is used during training.

The Parking Lot's purpose is to track questions asked by participants and allows trainer to either research an appropriate answer or respond to the question at the applicable time during the lesson plan. Prior to ending the training session, the trainer will review questions posted on the Parking Lot to determine if all have been answered or if additional research is needed. Trainer will either ask participants to confirm all posted questions have been answered satisfactorily or will acknowledge to participants the need to seek additional clarification from a subject matter expert (SME), the curriculum developer (CD), or other approved resource. A follow-up email should be provided to participants in the training session.

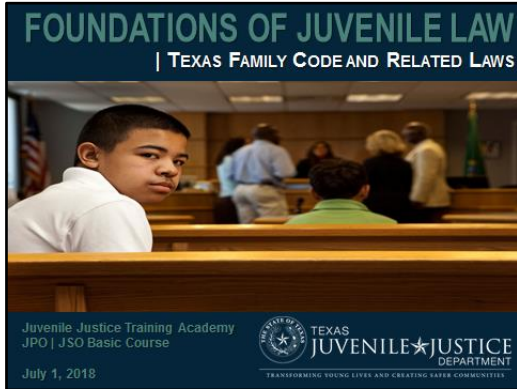
2. Cover all activities unless marked Optional.
3. Time noted for an activity represents the entire activity process: introducing the activity, performing the activity steps, and debriefing the activity. During assigned activities, participants should be informed they have a "few" minutes to complete an activity instead of a set number of minutes (example: 10 minutes). This allows the trainer to shorten or lengthen time as needed.
4. During question and answer sessions or activities:
 - a. Questions followed by the (*Elicit responses.*) statement – should be limited to 1 or 2 participant responses. These questions are used to gain audience acknowledgement and not meant to be a lengthy group discussion.
 - b. Questions followed by an italicized (suggested) response – are to be covered by the trainer or participants. If participant responses do not cover the complete italicized response, the trainer will provide participants with the remaining information. The responses provided are suggested best answers as approved by the Technical Authority. If participants suggest other responses, encourage them to explain their choices.

Required – JPO | JSO Specific Information

1. This lesson plan will contain information specific to JPOs | JSOs. If a section does not indicate JPO | JSO specific, the material is obligatory for all participants. Instruction explicitly provided for JPOs | JSOs will be titled accordingly.

Disclaimer


The following curriculum was developed by the Texas Juvenile Justice Department. Approved curriculum is signed by both a Technical and Training Authority. The Certification exam is based on approved TJJD standardized curricula. TJJD is mindful some examples referenced in the lesson plan may not be applicable in particular counties. Deviations regarding the material are discouraged; however, enhancements explaining local policy and procedure without breaching the fidelity of the information are supported. If a participant requires additional information beyond the scope of this curriculum, refer the participant to his (or her) immediate supervisor.



Slide 1 - Introduction

Instructor's Corner:

PG: 5

 This slide appears with a picture. Click for the video to play when it is mentioned.

Trainer Notes:



INTRODUCTION

(Welcome participants to the course and discuss the agenda including information on breaks, lunch time, and other pertinent information. If using the "Parking Lot," prior to class, prepare a chart to use later as noted in the Important Trainer Information section of the LP. Place Post-it® notes on the tables or next to the Parking Lot chart for participant use.)

(The Texas Juvenile Justice Department is mindful some examples referenced in the lesson plan may not be applicable in certain counties or facilities. Deviations from this TJJD approved curriculum are discouraged; however, enhancements explaining local policy and procedure without breaching fidelity of the information are acceptable.)

(This course is not intended to address all aspects of juvenile law, but rather to highlight key concepts needed when managing juveniles on supervision. There will be various aspects of juvenile law which will not be covered during the course; therefore TJJD recommends consultation with the local district or county prosecutor's office for further information or clarification.)

Welcome to the course on *Foundations of Juvenile Law | Texas Family Code and Related Laws*. The role of juvenile justice professional is critical when managing juveniles on supervision. JPOs and JSOs must not only have knowledge of typical adolescent behavior, but also need an understanding of the law as it relates to juveniles in care. Awareness of juvenile law is critical when navigating during court proceedings, explaining probation conditions, supervising juveniles in a juvenile facility, and when deciding appropriate recommendations.

Despite having committed alleged offenses, all juveniles must be treated with dignity and respect, especially during legal proceedings or when in juvenile detention or facility. Being mindful of juvenile rights, ensuring their rights are not being violated, and considering all options available when making recommendations, particularly during court proceedings are all ways we can respect juveniles while they are in care. Respecting a juvenile also extends to family members. We must make certain parent(s) or guardian(s) are aware of their legal rights and advise them on how the law may affect their child.



Let me show you a quick video about how the decisions we make impact the juveniles we supervise. As you're watching, ask yourself if you agree with what each person is saying.

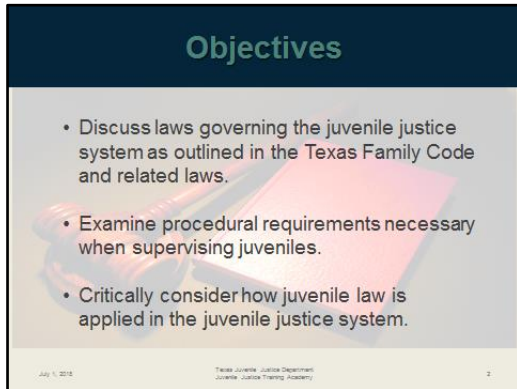
(Click to play video titled Decisions: Adult Decisions and the Juvenile Justice System. Length is 2 minutes 35 seconds.)

Q: What are your thoughts on the video? *(Elicit responses.)*

Although we cannot change laws or interpret them as we see fit, we do have an obligation to foster rehabilitation of juveniles by being flexible, particularly during legal proceedings, and not allow personal biases to affect decisions we make. We must provide support and guidance to juveniles, whether during court proceedings or housed in a juvenile detention center or facility. Being rigid and making decisions based on preconceived notions, like the judge and JPO in the video did, will likely cause many juveniles to be unsuccessful during their probation term. Providing tailored treatment makes a difference in how a juvenile's life will turn out. The law provides a framework for juveniles to atone for their actions and benefit from rehabilitation; requiring they make no mistakes will simply create a higher likelihood for failure.

Today, we will examine legal concepts specifically related to juveniles and how to advocate for them when making law-related decisions or when supervising them while they are housed in a juvenile facility.


Let's review the objectives for today's course.



Slide 2 - Objectives

Instructor's Corner:

PG: 5

 This slide appears blank. Click for each of the objectives to appear as they are mentioned.

Trainer Notes:



Objectives

(Click for each objective to appear. Ask different participants to read each of the performance objectives.)

At the end of the course today, you should be able to:

1. Discuss laws governing the juvenile justice system as outlined in the Texas Family Code and related laws.
2. Examine procedural requirements necessary when supervising juveniles.
3. Critically consider how juvenile law is applied in the juvenile justice system.

Q: What questions do you have before we get started? *(Answer questions, if any.)*



Slide 3 – Fundamentals

Instructor's Corner:

PG: 5

Trainer Notes:



FUNDAMENTALS

The juvenile justice system originated as states recognized children, although they may commit serious offenses, are still children and should be treated as such. Texas juvenile statutes are outlined in the Texas Family Code, Human Resources Code, Penal Code, Code of Criminal Procedure, Education Code and other sources of law.

While the objectives of the juvenile justice system are similar to those of the adult criminal system, including ensuring the safety of the public, there are some key differences. The Texas adult system deters criminal behavior through correctional measures and issues penalties proportionate to a crime committed. In the juvenile justice system in Texas however, cases have elements of civil and criminal law and consequences for delinquent acts are met with treatment, training, and rehabilitation.

(More information on Texas juvenile law may be found in the Texas Juvenile Law, 9thed. and Texas Juvenile Justice Handbook; via the Texas Attorney General. Website found in the appendix of the participant guide.)

Before we look at the flow of a case as it moves through the juvenile system, let's discuss a few key elements unique to the Texas juvenile justice system, such as the structure, age requirements, types of juvenile offenses, and terminology, which we will talk about first. Comprehending some common terms used in the juvenile justice system helps familiarize us with language we will often hear from coworkers, attorneys, judges, or other juvenile justice professionals.



Slide 4 – Parallels

Instructor's Corner:

PG: 6

Trainer Notes:



Parallels

A primary goal outlined in the Texas Family Code is juvenile rehabilitation, at home if possible, and terms used within the juvenile justice system often reflect this. Some key objectives of the code include:

- Safety | protection of the public
- Removal of the taint of criminality
- Treatment | training
- Child | parent accountability
- Moral, mental, and physical development
- Control of the commission of unlawful acts

During court proceedings or when it is necessary to explain certain legal documents or matters to juveniles and their family, it is critical to understand certain terms or phrases often used.

Let's do an activity.



For Your Eyes Only – Activity | Perfect Match

1. Individually have participants match terms from the word bank with the appropriate parallel word.
2. Once finished, ask various participants to share their answers.
3. After each participant reads their answer, indicate whether it is correct or not and encourage participants to correct any errors.

Activity Point: This activity is designed for participants to gain an understanding of the difference in terms used in the juvenile and adult criminal justice systems.



Activity | Perfect Match

Time: 10 Minutes

In your participant guide, turn to the activity titled *Perfect Match*. There you will find a matching activity with terminology used in the juvenile and adult criminal justice systems. Take some time to match terms from the word bank with the appropriate parallel word. Each word will be used only once. We will discuss the answers as a large group when everyone is finished.

(If time permits, allow participants to review answers with a neighbor before discussing it in the large group.)

Debrief

| Word Bank

<i>Warrant</i>	<i>Defendant</i>	<i>Conviction</i>
<i>Arrest</i>	<i>Indictment</i>	<i>Crime</i>
<i>Jailed</i>	<i>Trial</i>	<i>Community Supervision</i>
<i>Bond Bail</i>	<i>Guilty Not Guilty</i>	

(Give various participants a chance to provide the answers. As an answer is read, indicate whether it is correct or not and encourage correction of any errors.)

| Answer Key

1. *Petition* | ***Indictment***

A petition is a document filed in juvenile court that initiates the case and states the allegations of conduct to be prosecuted in a juvenile proceeding.

An indictment is a formal charge issued by a grand jury stating there is enough evidence the defendant committed a criminal offense to justify having a trial; it is used primarily for felonies.

2. *Taken Into Custody* | ***Arrest***

A child is taken into custody by a law enforcement officer upon order of the juvenile court, under the laws or arrest, or upon probable cause to believe a child committed delinquent conduct or other law violations.

The term arrest means to take physical custody or to apprehend a person by lawful authority to answer a criminal charge.

3. *True | Not True | **Guilty | Not Guilty***

In a juvenile case, a juvenile's statement pleading "true" or "not true" in answer to alleged conduct.

In a criminal case, a defendant's statement pleading "guilty" or "not guilty" in answer to an alleged charge(s).

4. *Release to Parent | **Bond | Bail***

The circumstance in which a juvenile in custody is released to a parent, guardian, custodian, or other responsible adult conditioned upon the person's promise to bring the juvenile to court when required. A juvenile will always be released to a parent unless the court has a legal basis to detain the child. Juveniles do not have the right to bail and a bond may not be posted in proceedings under the Texas Family Code.

Bond refers to the written promise of a person accused of a crime (or a surety on his or her behalf) to secure release from custody under specified conditions designed to assure the person's appearance in court when required. The term bail refers to the amount of money posted as a financial condition of pretrial release.

5. *Conduct Indicating a Need for Supervision and/or Delinquent Conduct | **Crime***

Conduct indicating a need for supervision or CINS and/or Delinquent conduct is activity a juvenile has committed, specifically for a status offense or certain offenses.

Crime is activity an adult defendant is charged with and may be convicted of in adult criminal court.

6. *Adjudication Hearing | **Trial***

An adjudication hearing is a fact-finding trial in juvenile court which determines whether a child has engaged in delinquent conduct or in conduct indicating a need for supervision.

A trial is a fact-finding proceeding in criminal court in which a judge or jury considers evidence and testimony of witnesses to decide a verdict of guilt, innocence, or civil responsibility.

*7. Directive to Apprehend | **Warrant***

A directive to apprehend is a type of warrant issued by the juvenile court if it is found there is probable cause to take a juvenile into custody under the provisions of the Texas Family Code.

A warrant is a document issued by a criminal court authorizing a law enforcement officer to conduct a search or make an arrest.

*8. Probation | **Community Supervision***

Probation is a dispositional option available to the juvenile court under provisions of the Texas Family Code. A juvenile on court-ordered probation may be allowed to remain at home under the supervision of the juvenile probation department and may be required to comply with written conditions, along with participation in a range of rehabilitative programs and services.

Community supervision (i.e., adult probation) is a dispositional option available after a criminal conviction in which the court imposes certain terms and conditions upon an adult defendant, including the requirement to participate in a continuum of programs and sanctions for a specific period of time.

9. *Adjudication* | **Conviction**

An adjudication is an allegation of delinquent conduct against a juvenile which has been found to be true by a juvenile judge or jury.

A conviction is a judgment of guilt against a criminal defendant.

10. *Respondent* | **Defendant**

A respondent is a juvenile who is the subject of a proceeding in juvenile court. The use of the term “respondent” rather than “defendant” is derived from the civil nature of juvenile cases.

In a criminal case, a defendant is a person accused of committing a criminal offense.

In a civil case, the defendant refers to an individual or business against whom a lawsuit is filed.

11. *Detained* | **Jailed**

When a juvenile is detained, he (or she) is alleged to have engaged in delinquent conduct or violations and is being held in a juvenile detention facility.

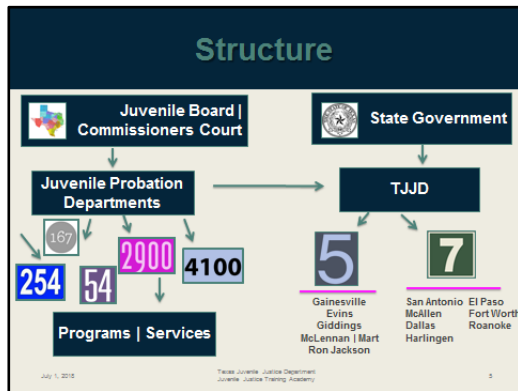
A person is jailed when he (or she) is accused of criminal charges and is either awaiting sentencing or transfer to a correctional facility.

(For your reference, a glossary of juvenile law terms is located at the end of this lesson plan.)

This is not an exhaustive list and there are other words or phrases used which may or may not be familiar to you. Be proactive and seek guidance on unknown terms.

Q: What questions do you have about terminology used in the juvenile justice and adult criminal systems? (*Elicit responses.*)

Let's move on and discuss the structure of the juvenile justice system.



Slide 5 -Structure

Instructor's Corner:

PG: 7

 This slide appears blank. Click for graphics to appear as they are mentioned.

Trainer Notes:



Structure

In Texas, the juvenile justice system is comprised of two levels: the local level, managed by county juvenile probation departments and the state level, managed by the Texas Juvenile Justice Department. In 2016, of the 55,174 juvenile referrals received by juvenile probation, about 98% were handled by juvenile probation departments, the local juvenile prosecutor's offices, or juvenile courts. In contrast, TJJD, which we will talk about in a moment, handled 1.4% of those juvenile referrals.

(Click for the juvenile probation graphic to appear it is mentioned.)

Local Juvenile Probation Departments

Juvenile boards are authorized by statute to provide juvenile services at the county level. The juvenile board hires the chief, sets the juvenile probation department budget, oversees inspection of facilities, and establishes local guidelines and policies for daily operation of local juvenile probation departments. The commissioner's court is also responsible for providing funding for juvenile services in the county.

In Texas, there are:

- 254 counties
- 167 departments | judicial districts
- Approximately 2,900 certified juvenile probation officers
- Approximately 4,100 certified supervision officers
- Approximately 54 community activities officers (*This position recently required certification; this number is merely an approximation and will rise.*)

Departments are under the authority of a chief administrative officer and provide a range of programs and services for juveniles ordered on supervision by the court. Typically, JPOs are tasked with monitoring juveniles; in part by ensuring they follow court rules and conditions, typically while the juvenile resides in their home. JSOs are tasked with supervising juveniles, usually in a juvenile detention center or facility. We will talk about specific duties of both JPOs and JSOs later in the course.

Juveniles on supervision often lack opportunities, frequently come from a single parent low-income home, and have experienced several adverse childhood experiences or ACEs. You will learn more about these traumatic events in the *Trauma-Informed Care* course, however, because of these disadvantages, the juvenile probation department provides programs and services which create opportunities for growth and rehabilitation, including:

- Community service restitution programs
- Counseling services
- Case management

- Education programs, including the Juvenile Justice Alternative Education Programs or JJAEPs
- Specialized programming

Later in the course we will talk about how a case flows through a probation department and if ordered, TJJD.

Q: What questions do you have about the structure of local probation departments? *(Answer questions, if any.)*

(Click for TJJD graphic to appear.)

TJJD

A commitment to the Texas Juvenile Justice Department is considered one of the most serious consequences a juvenile may face for felony delinquent conduct, with the exception of being certified as an adult, which we will talk about later. The state entity is tasked with not only providing rehabilitative services to juveniles in various state-operated facilities, but also with enhancing local juvenile probation services, in collaboration with county juvenile boards, by:

- Allocating funds
- Providing training | technical assistance
- Establishing | enforcing standards
- Collecting | distributing information

TJJD also manages five secure facilities and seven halfway houses around the state, all deemed rehabilitative options available to the juvenile court. The state-operated secure facilities are:

- Gainesville State School; located in Gainesville, Texas
- Evins State School; located in Edinburg, Texas
- Giddings State School; located in Giddings, Texas
- McLennan County State School; located in Mart, Texas
- Ron Jackson State School; located in Brownwood, Texas

The seven halfway houses operated by the state assist juveniles with smooth transitions back to their own communities and are:

- Ayres House; San Antonio, Texas
- Brownwood House; Brownwood, Texas
- Cottrell House; Dallas, Texas
- Schaeffer House; El Paso, Texas
- Edna Tamayo House; Harlingen, Texas
- Willoughby House Fort Worth, Texas
- McFadden Ranch; Roanoke, Texas

TJJD also contracts with select county secure post-adjudication facilities around the state, where juveniles are placed based on treatment needs and the proximity to their family and community.

Q: What questions do you have about the structure of TJJD? *(Elicit responses.)*


Let's move on and talk about age limits in the juvenile justice system.



Slide 6 – Age Limits

Instructor's Corner:

PG: 8

 This slide appears with a picture. Click for ages to appear as they are mentioned.

Trainer Notes:



Age Limits

Age is one factor which determines whether a child's case will be handled in juvenile court. Texas law defines who is considered a "child" and controls which courts may hear cases involving children. Related laws may contain terms like "minor" or "juvenile," both applicable to children in the system. In the Texas Family Code a child is defined as a person who is:

- 10-years-old and under 17-years-old
- 17-years-old or older but under 18-years-old; who is alleged or found to have engaged in an illegal act prior to age 18

Some age limits may be extended in the juvenile system depending on the circumstances.

(Click for each age to appear as it is mentioned.)

Upper and lower ages in the juvenile justice system are:

- 7-years-old | Minimum age for STAR Program (provided by the Department of Family and Protective Services | DFPS) | Services to at-risk juveniles
- 10-years-old | Minimum age in juvenile court jurisdiction
- 14-years-old | Minimum age for certification as an adult (for a capital felony, 1st degree felony and aggravated controlled substance felony)
- 15-years-old | Minimum age for certification for all other felonies
- 17-years-old | Minimum age for adult criminal prosecution
- 18-years-old | Maximum age of juvenile court control (*exceptions apply*)
- 19-years-old | Maximum age of TJJD jurisdiction

Q: What questions do you have about age limits in the juvenile system? (*Answer questions, if any.*)


We have talked about common terminology in the juvenile justice system, as well as its structure and age requirements. Let's discuss types of juvenile offenders.



Slide 7 – Offender Categories

Instructor's Corner:

PG: 8

 This slide appears with a picture. Click for the categories to appear as they are mentioned.

Trainer Notes:



Offender Categories

Juvenile delinquency is defined as a violation of the law, by a person under 18-years-old, which if committed by an individual over 18-years-old would also be considered a crime. In Texas, there are four categories of offenders, including:

(Click for each category to appear, as they are mentioned.)

- Non-offenders | No crime has been committed, but a juvenile must appear in a court and/or has been detained due to:
 - Abuse, dependency, or neglect case, unrelated to a crime
 - Deportation
- Status offenders
 - Conduct which would not be a crime if committed by an adult, such as curfew violations, truant conduct, runaway, or violations of school standards of conduct. Certain cases involving status offenders may be handled in justice or juvenile court.

- CINS (*pronounced Sins or Chins*) or Conduct Indicating a Need for Supervision
 - Class C Misdemeanor offenses handled in juvenile court (for example, fine only offenses, runaway, curfew/ordinance violations, school standards of conduct violations, paint or glue inhalation, CINS prostitution, CINS sexting)
- Delinquent conduct
 - Violates a penal law of Texas or the United States; punishable by imprisonment or confinement in jail (for example, Class B misdemeanor/higher and felony level offenses, contempt of a justice, municipal, or truancy court order, driving while intoxicated, driving under the influence by a minor – 3rd offense)

Q: What questions do you have about the types of juvenile offenders? (*Answer questions, if any.*)


Now let's put your knowledge to the test by doing an activity.



Slide 8 – Activity | Jeopardy

Instructor's Corner:

PG: N/A

 Slides 8-49 are designed for this activity. Trainer will need to advance slides using the keyboard and mouse pointer. Using the laser remote will advance slides in the incorrect order.

Trainer Notes:



For Your Eyes Only – Activity | Jeopardy

1. Trainer will need to advance slides at the computer; the laser remote will not advance slides in the correct order during this activity.
2. You will need a scorekeeper for the game, chosen at the trainer's discretion. The winner of the game will be a team captain for the last activity of the day.
3. There are five categories with four questions each, worth \$200, \$400, \$600, and \$800.
 - When a participant picks a category, you should hover the mouse over the chosen amount and click to advance the slide.
 - When you are ready for the answer, hover the mouse on the statement and click to advance to the answer slide.
 - When you are ready for the next question, hover the mouse over the home button, which will take you back to the categories slide.
4. Trainer should pick a participant to answer the first question, under "The Basics" for \$200 to begin the game.
5. Participant will provide the answer to the statement, in the form of a question. For example, if the statement reads "Juvenile law is outlined in the

Texas Human Resource Code and this code,” the participant should answer, “What is the Texas Family Code?”

6. Trainer should advance to the next slide for the answer and if correct, the participant receives the “amount” on the slide. Scorekeeper must keep track of each participant’s amounts.
7. The participant who answered the first statement correctly will pick the next participant and they will pick a category, an amount, and must answer the statement.
8. Continue with this sequence until all of the statements have been answered. On the category board, the amounts will change color once chosen, indicating it has already been answered. If there is not enough time, trainer may decide when to stop the game.
9. Debrief activity.
10. Once finished, click on the Jeopardy button at the top of slide #9 and PPT show will advance to the next slide, corresponding with the LP.

Activity Point: This activity is designed to review the fundamentals of juvenile law.



Activity | Jeopardy

Time: 25 Minutes

We are going to play Jeopardy. All of the categories and statements are related to the information we just covered. I will pick a person to answer the first statement. You must answer each statement with a question. For example, if the statement reads, “This course discusses the importance of the law related to juveniles on supervision; you will answer “What is Foundations of Juvenile Law | Texas Family Code and related laws?” Once you have answered a statement, you will pick the person who will go next. The winner will benefit later in the course.

Debrief

(All participants should have an opportunity to answer a statement, if able.)

| Answer Key

The Basics

- **\$200** | *The juvenile justice system structure is outlined in...*
What is the Human Resource Code?
- **\$400** | *Juvenile cases have elements of both civil law and...*
What is criminal law?
- **\$600** | *Consequences for juvenile delinquency are met with treatment, training, and...*
What is rehabilitation?
- **\$800** | *A key factor in determining whether a juvenile will be held responsible for his (or her) actions in juvenile court is...*
What is age?

| Parallels

- **\$200** | *A trial in criminal court is equivalent to this in the juvenile justice system.*

What is an adjudication hearing?

- **\$400** | *A juvenile has been taken into custody. She is not jailed but rather...*

What is detained?

- **\$600** | *Sara, a 14-year-old would plead this in a juvenile case.*

What is true or not true?

- **\$800** | *Defendant is the same as this in the juvenile justice system.*

What is respondent?

| Structure

- **\$200** | *The number of juvenile probation departments in Texas.*

What are 167?

- **\$400** | *Local juvenile boards set budgets, oversee inspection of facilities, and...*

What is establish local guidelines and policies?

- **\$600** | *Juveniles unable to be rehabilitated in the community and this are likely to be committed to TJJD for a felony adjudication.*

What is require specialized treatment?

- **\$800** | *TJJD Halfway houses help juveniles with...*

What is a smooth transition back home?

| Age Limits

- **\$200** | *The definition of “child” under the Texas Family Code includes these ages.*

What are 10-years-old and under 17-years-old?

- **\$400** | *A 7-year-old may receive services from this DFPS program.*

What is the STAR Program?

- **\$600** | *Sean, a 14-year-old may be subject to this if he is alleged to have committed capital murder.*

What is certification as an adult and transferred to the adult criminal system?

- **\$800** | *Jane turned 18-years-old last month and is still under this department’s jurisdiction.*

What is the Texas Juvenile Justice Department (TJJD)?

| Offenders

- **\$200** | *Truant conduct is considered...*

What is a status offense?

- **\$400** | *This is when a child commits an offense that would be considered a crime as an adult...*

What is juvenile delinquency?

- **\$600** | *When juveniles are held for deportation or appear in court for an abuse, dependency, or neglect case, they are considered...*

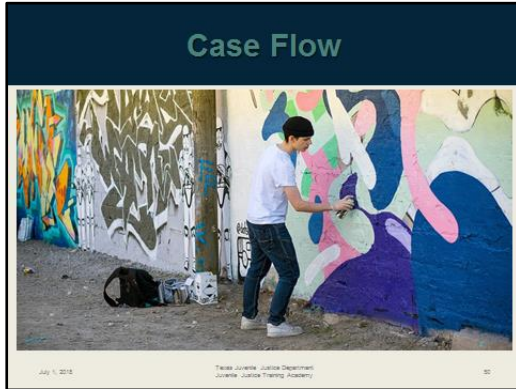
What is a non-offender?

- **\$800** | *An offense, such as possession of marijuana, which violates penal laws of Texas and the United States.*

What is delinquent conduct?

Q: What questions do you have about this activity? *(Answer questions, if any.)*


Having discussed the basics, let's turn our discussion on how a case moves through the juvenile probation department.



Slide 50-51 – Case Flow

Instructor's Corner:

PG: 9

 This slide appears with a picture. Click for infographic to appear as it is mentioned.

Trainer Notes:



CASE FLOW

Imagine the juvenile in the picture, named Paul (*point to the picture of juvenile on the slide*) has been taken into custody for a felony offense (graffiti on school property) and transported to the juvenile detention center, instead of jail because he is 15-years-old. There are two types of offenses for which juveniles may be charged, misdemeanor offenses, which are less serious and typically do not involve violence or high level property loss, and felony offenses, which are more serious, carry stiffer penalties, and usually involve violence or high level property loss. Examples of common juvenile misdemeanor offenses in Texas may include criminal mischief or theft (depending upon the value). Unauthorized use of a motor vehicle, murder, and offenses against persons such as sexual assault are common juvenile felony offenses.

Like Paul, a juvenile may either be taken into custody for an offense, called an arrest or custody event or he (or she) may receive a paper referral, called a non-custody or non-arrest event, which is a police report submitted to the juvenile probation department with information about an alleged event. Typically, paper referrals require continued investigation by law enforcement.

(Click for infographic to appear.)

In Paul's case, he is transported to the local juvenile detention center's Intake unit. Unlike the adult system, there is no inherent right to bail in the juvenile system. Instead, an intake officer must decide if a juvenile will be released to a parent/guardian, or whether he (or she) must appear for a detention hearing before a judge or magistrate. An intake officer or other person authorized by the juvenile board typically conducts the preliminary investigation.

For Paul, the intake officer must begin the process by determining whether he is a child under the Texas Family Code and if enough information exists (probable cause) to support an offense. The intake officer will also decide whether his case should be handled informally (without going to court) or formally (referring the case to the prosecutor and court). When meeting with any juvenile regarding a case, an intake officer or JPO must advise them to speak only with their attorney regarding details about the alleged incident. Key information gathered during this preliminary investigation includes:

- Age
- Probable cause
- Type of case, either CINS or delinquent conduct
- Deportation status, if applicable

If Paul were under the age of 12, the intake officer would be required to refer him to the Community Resource Coordination Group (CRCG) or community juvenile service provider, but only if the following conditions were met:

- Probable cause existed
- No services had previously been provided to the family
- Referral to prosecutor was not required

The CRCG is tasked with meeting with a family and determining what services they may need. In coordination with the probation department, a plan of action is implemented by the CRCG, with a JPO assigned to monitor a juvenile's compliance. If the family is non-compliant with the services provided, a referral will then be submitted to the prosecutor's office for court action. Also, juveniles referred to the juvenile probation department on a first time offense, who are not experiencing any behavioral problems at home and may be adequately supervised without court action, does not have to be referred to the prosecutor's office for court intervention. This is determined on a case-by-case basis and is at the discretion of the intake officer or JPO assigned.

Paul does not qualify for CRCG because he is 15-years-old, so the intake officer must do the following:

- Contact Paul's parent/guardian immediately; informing them he has been taken into custody
- Decide whether the case will be handled formally (judicially or with court action) or informally (non-judicially or without court action)
- Decide if Paul will be detained or released; based on information from Paul, his parent/guardian, law enforcement, and JPO, if one is assigned

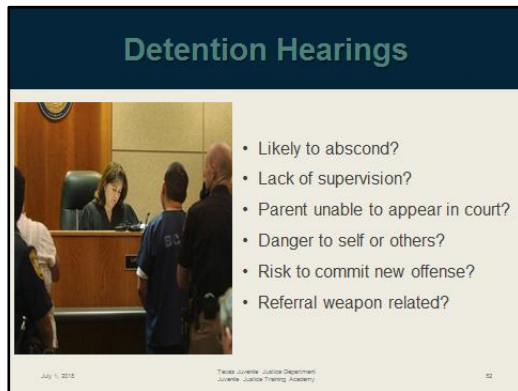
Q: What questions do you have about the intake process so far? (*Answer questions, if any.*)

Typically, if Paul was deemed appropriate for release; his family would be advised a JPO would contact them for an initial interview. During this initial meeting, a determination regarding how to proceed with the case would be decided based on information discussed at that time. The JPO would choose to:

- Recommend the case be closed with no disposition
- Recommend an informal supervisory period, approved by a prosecutor
- Recommend a formal court hearing

We will talk more about court hearings and possible outcomes in a few minutes, but let's turn our attention back to Paul. The intake officer decided he should be detained based on the information gathered during the preliminary investigation. Paul's parent/guardian was informed of pertinent details regarding his scheduled detention hearing and details regarding visitation were provided. Paul was processed in juvenile detention (*which may vary according to local facility policy*), which typically includes being assessed for mental health issues, possible human trafficking, and medical concerns. After he is assessed, Paul will be assigned to a housing unit and within 48 hours, his detention hearing will be scheduled.

Let's look at what happens during a detention hearing.



Slide 52 – Detention Hearings

Instructor's Corner:

PG: 9



This slide appears with a picture. Click for the considerations to appear as they are mentioned.

Trainer Notes:



Detention Hearings

Since Paul was detained; he has certain legal rights. Juveniles in detention are entitled to have a prompt detention hearing, to be held, in most instances, within the second working day of confinement. This may change depending on whether a juvenile is brought to the juvenile detention center on a weekend or holiday, when most courts are closed. A detention hearing determines whether a juvenile should be released from detention or not, while they are waiting for a court date to answer to the charges they are alleged to have committed.

While in detention, and during most court hearings, juveniles have a right to be represented by an attorney. A parent or guardian should be present at a juvenile's detention hearing, however, there are times when they cannot be found, refuse to appear in court, or cannot attend the hearing. In the absence of a parent or guardian, a guardian ad litem or an attorney who will assist a juvenile during court proceedings, will be appointed in their absence.

(Click for considerations to appear as they are mentioned.)

The assigned attorney, JPO, prosecutor, and judge must consider the following factors when deciding whether a juvenile should be released from detention or remain detained, including:

- Is the juvenile likely to abscond?
- Is there a lack of supervision at home?
- Is the parent unable to appear in court?
- Is the juvenile a danger to self or others?
- Is there a risk for a new offense to be committed?
- Is the referral related to a firearm?

A judge, referee, or detention magistrate ultimately decides whether a juvenile should be released from detention and what, if any, release conditions are ordered. Typically, a JPO will recommend release conditions for a juvenile to follow before he (or she) appears for the future court date. Conditions of release, as recommended by the JPO may require the juvenile to follow a curfew or attend substance abuse classes, which the judge will likely order. A parent/guardian must agree to these conditions and ensure the juvenile appears in court. If the juvenile fails to appear in court, a directive to apprehend may be issued by the court and the juvenile may be taken into custody.

If a guardian ad litem was appointed at an initial detention hearing, the JPO assigned must make diligent efforts to locate a parent or guardian for the juvenile.

In Paul's case, it was decided he would be released from juvenile detention, but if he had been detained, he would have remained in custody and another hearing would have been scheduled no later than 10 working days from the initial hearing date or no later than 15 working days in a county without a certified juvenile detention facility. Detention hearings would continue to be scheduled for Paul until his eventual release from detention or after the formal court hearing when a disposition would be determined in the case.

Q: What questions do you have about detention hearings? *(Answer questions, if any.)*

Since Paul was released from detention, let's talk about what may happen to him during his scheduled court hearing.

Court | Adjudication Hearings

- Juvenile District Court
- Justice of the Peace | Municipal Court | County Court | Truancy Court
- Specialty Court
- Cross-Over Court

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Slide 53 – Court | Adjudication Hearings

Instructor's Corner:

PG: 10

This slide appears with a picture. Click for courts to appear as they are mentioned in the LP.

Trainer Notes:



Court | Adjudication Hearings

Paul's court date for the graffiti charge has been set. A petition, which describes either alleged CINS or delinquent conduct and outlines the charges to be prosecuted, is routed to the JPO. This petition must be filed promptly by a prosecuting attorney who has knowledge of the alleged details and is responsible for presenting the facts of the case to the juvenile court. A hearing is then scheduled by the juvenile court, no later than 10 working days after the day of the filed petition. Soon after, a summons, which informs all parties of the time and place to appear in court, is issued.

Typically, a JPO is expected to serve the summons to the juvenile and family, however, this may be the job of other professionals or any suitable person directed by the court in various counties. A juvenile's case may not proceed unless he (or she) has been personally served.

In addition to juvenile courts, there are other courts with authority to preside over cases involving children. The operation of these courts in local counties are often dictated by funding, local resources, laws, and policymaking decisions, so jurisdictions may have varied courts in operation. Some of these courts include:

(Click for courts to appear as they are mentioned.)

- Justice Court (JP Court) | Municipal Court | County Court | Truancy Court
These courts handle cases involving Class C misdemeanors, other criminal conduct involving juveniles, and truant conduct.
- Specialty Court
Created to divert cases from juvenile court and the juvenile justice system; these courts may offer more individualized treatment. Examples include teen, drug, trafficking, and mental health courts.
- Cross-Over Court
Dual jurisdiction courts which provide juvenile and family courts with shared authority to preside over human trafficking cases.

Q: What benefit would be created from these specialty courts? *(Elicit responses.)*

These courts were created to centralize and expand existing resources and provide greater opportunities for juveniles to be successful. For example, if a juvenile has a serious drug problem and his case is handled in a drug court, the likelihood of him being successful on probation increases, as his individual challenges with drugs are considered before decisions are made about him.

During any court proceeding, the assigned attorney will assist a juvenile in deciding whether he (or she) will “stipulate” to a charge (admit the facts are true), or whether

they want to have a trial. Even when the court accepts a stipulation (plea of true), a short adjudication hearing or the first phase of a juvenile court proceeding will still occur. If a juvenile chooses to fight the charge and go to trial, the court will schedule a court date and the JPO must ensure the juvenile and family are aware of when to appear, until the trial is complete or all parties have come to an agreement.

There may be times when a juvenile and his (or her) family decide to move to another state. In this case, the juvenile's case would be transferred to the pertinent state, with the state assuming supervision. This process is handled by the Interstate Commission for Juveniles, which is the governing body of the Interstate Compact for Juveniles, which oversees juveniles on court supervision and monitors their movements. Be sure to rely on local policy and procedure with regard to specific paperwork needed to transfer a case via interstate compact.

Q: What questions do you have about court proceedings? *(Answer questions, if any.)*

Let's turn our attention back to Paul. He appeared in juvenile court and during the adjudication hearing, stipulated to the charge of graffiti. The second phase of the court proceeding is called the disposition hearing. Let's talk about what may happen to Paul during this phase of the court hearing.

Disposition Hearings

- Community service
- Fees
- Restitution
- Counseling
- Anger management
- Substance abuse classes
- DNA testing | certain felony and sex adjudications
- School attendance
- Residential placement
- TJJD

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Slide 54 – Disposition Hearings

Instructor's Corner:

PG: 10

This slide appears with a picture. Click for video to play and types of conditions to appear.

Trainer Notes:



Disposition Hearings

Judges presiding over juvenile cases have many options available to them when it comes to dispositions in delinquent conduct cases. JPOs are tasked with recommending a set of conditions deemed appropriate for juveniles and typically, a probation term is ordered during a disposition hearing, which determines how long a juvenile will be under supervision. Juveniles may be placed on a probation term for any length of time considered appropriate; but it must not exceed his (or her) 18th birthday. Further, offenses related to sexual misconduct must be ordered to a minimum two year probation period with a possibility of registration (if ordered by the court) and a determinate sentence probation term may last up to age 19 and/or transferred for a term of adult supervision in the criminal court system.

During the disposition hearing, the court will read a JPOs pre-disposition report (PDR), which contains factual information and other details needed to make an informed decision regarding the conditions of probation. You will learn more about the PDR and what to include in it during the *Courtroom Proceedings* and *Customized Case Design* courses, for now, remember JPOs must be prepared to defend

recommendations, regardless of whether any other party agrees with them.

Typically, because a JPO is more familiar with a juvenile than a judge or attorney, their recommendation will be accepted and followed. There may be times though, when a JPO is recommending placement or TJJD, and he (or she) is challenged.



Let me show you a video highlighting a disposition hearing for two juveniles appearing in court. As you watch, pay attention to the JPO and how he justifies his recommendation.

(Click to play video titled In the Courtroom. Length of video is 8 minutes 20 seconds. The Indiana Boys Home is the equivalent of TJJD in the state of Texas.)

Q: What are your thoughts on the video? *(Elicit responses.)*

A JPO making recommendations must exude the highest level of professionalism when conveying their thoughts during a court hearing. They must speak with confidence and be prepared to answer any questions they are asked. Be aware of families and their feelings after court hearings, particularly if a juvenile is ordered into residential placement or TJJD. Families are often upset and angry if a juvenile is ordered into placement and for juveniles in detention, going back to the housing unit after a challenging hearing may cause disruptions.

Q: What are some conditions which a judge may order for a juvenile? *(Elicit responses.)*

(Click for probation conditions to appear.)

Although not exhaustive, the Texas Family Code authorizes a range of conditions which may be ordered by the court during a disposition hearing, including:

- Community service restitution
- Fees |supervisory, court, probation, attorney
- Restitution, if applicable | Victims may be entitled to restitution. JPOs are usually responsible for monitoring how much restitution has been paid by a juvenile and update the victim as needed
- Counseling | individual and family
- Anger management counseling
- Substance abuse counseling
- DNA testing for certain felony and sexually related adjudications
- Regular school attendance with good behavior
- Residential placement
- Commitment to TJJD

(For more information regarding offenses and required conditions, refer to the Texas Family Code.)

After a disposition hearing, a JPO must thoroughly review the conditions of probation with the juvenile and family. By law, after reviewing the conditions, the JPO must also explain the consequences of having a juvenile record and the process for sealing the record at the end of the probation term.

Q: What questions do you have about disposition hearings? (*Answer questions, if any.*)

Remember, Paul, the juvenile on probation for graffiti? He has not been following his conditions of probation and his JPO has filed a violation of his probation. Let's talk about what how to violate a juvenile's probation term.



Slide 55 – Modification Hearings

Instructor's Corner:

PG: 11

Trainer Notes:



Modification Hearings

Paul was ordered to a term of nine months' probation for the crime of graffiti, along with community service restitution and anger management counseling. He violated his probation by not completing his community service hours and failing to attend his anger management counseling as required. When juveniles commit new offenses or violate the conditions of probation, they may be taken back to court for a modification hearing. During a hearing to modify an original term of probation, the court may extend the original probation terms and order additional conditions the juvenile must follow. Some reasons for violations of probation may include:

- Truant conduct with unexcused absences
- Testing positive for drug use multiple times
- Failing to pay restitution, if ordered
- Commission of a new offense
- Change of circumstances (not related to an offense or violation)

Dispositions during a modification hearing may include an extension of a juvenile's probation, either in the home (with parent/guardian, relative, or other suitable person) with modified probation conditions, or in a residential placement outside of the home. Placements outside of the home may occur in:

- Non-secure facilities | No restriction on the departure of an individual.
- Secure facilities | Restrictions on the departure of an individual.

Residential placement is typically considered one of the last options for a juvenile, because one of the goals in the juvenile justice system is to keep juveniles close to their home and communities. There are times, however, when placement is the most appropriate recommendation, particularly when reasonable efforts to keep the juvenile at home have failed and supervision in the home is not possible, often due to lack of parental supervision.

Q: What questions do you have about modification hearings and violations of probation? (*Answer questions, if any.*)

In Paul's case, he was able to complete the conditions of his modified probation and eventually his case was closed. When closing the case, the JPO for Paul had a legal duty to explain to him and his family how his juvenile records may be used in the future. A written explanation must also be provided to families on how to seal juvenile records when closing a case. Generally, juvenile records are confidential and not open to the public, however, there are exceptions. A family must be advised to seek an attorney regarding specific questions about sealing of records.

Unlike Paul, who was able to complete his probation term successfully, other juveniles often continue to experience chronic behaviors, after a modification hearing. When a juvenile has had multiple modification hearings, the last option available to the juvenile probation department is a recommendation of commitment to TJJD.

TJJJ Commitment

Indeterminate Commitment

- TJJJ determines time
- May remain until age 19
- Parole

Determinate Commitment

- Range of 10-40 years
- TJJJ release at age 19
- Parole

Progression through TJJJ

• Orientation	• Release
• Placement	• Discharge

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Slide 56 – TJJJ Commitment

Instructor's Corner:

PG: 11

This slide appears with a picture. Click for the commitment types to appear as they are mentioned.

Trainer Notes:



TJJJ Commitment

Outside of being certified as an adult, convicted in criminal court, and ordered to the Texas Department of Criminal Justice – Institutional Division, to be committed to the Texas Juvenile Justice Department is one of the most serious dispositions in Texas for juveniles. A juvenile must have been adjudicated for a felony offense, or have committed a violation of a felony probation term to be committed to TJJJ. Once a juvenile is ordered there, the local jurisdiction no longer has authority over him (or her) and the length of time to be served is determined by the type of commitment which was ordered by the court.

(Click for commitment types to appear as they are mentioned.)

Indeterminate Commitment

The minimum length of stay for an indeterminate sentence is an administrative decision made by TJJJ and is based on the severity of the offense and a juvenile's risk to the community. Other requirements for this type of commitment:

- Juvenile may remain at TJJD until the day before he (or she) turns 19-years-old
- Juvenile is eligible for parole once minimum length of stay is completed and there is progress in treatment
- Juvenile may be transferred to adult system, determined at a transfer hearing, based on poor progress and other factors

Determinate Commitment

An adjudication for certain felony offenses may result in a determinate sentence of 10-40 years, with a minimum period of confinement in a residential placement facility, based on the severity of the offense. Other standards for this type of commitment:

- Juveniles may be housed at TJJD, but if they fail to progress in treatment, a transfer to the adult system shall occur before 19th birthday
- If a juvenile is successful at TJJD and has completed the minimum length of stay, a transfer to adult parole may be granted

(Click for TJJD progression to appear.)

Once a juvenile is committed to TJJD, they move through the department as follows:

- Orientation | Assessment

All juveniles ordered to TJJD must be processed at the Ron Jackson State Juvenile Correctional Complex in Brownwood, Texas. During this time,

juvenile strengths and needs are assessed and medical, dental, emotional, educational, and psychological competencies are evaluated. Individualized treatment plans are created in an effort to begin the rehabilitative process.

- Placement

Depending on the needs of the juvenile, he (or she) will be transferred to one of the five facilities we discussed earlier. Proximity, offense, and past behavior are all considered when a juvenile is placed.

- Release | Parole

Once a juvenile has completed his (or her) term at TJJD, he (or she) must appear before a release review panel, which will determine if he (or she) will be released or not. If released, the juvenile will be placed on parole and depending on the circumstances will either be placed at a halfway house or return home for the remainder of the sentence.

- Discharge

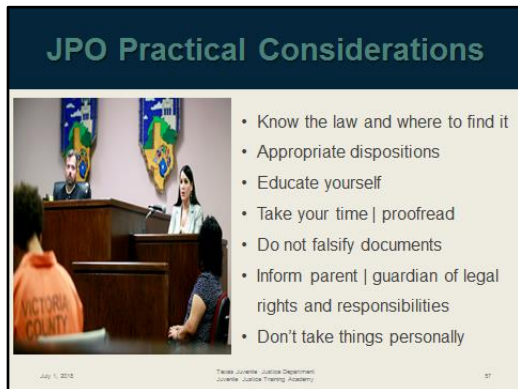
Once parole is complete, juveniles are discharged. If juveniles are not successful at TJJD, they may be transferred to the Texas Department of Criminal Justice (TDCJ) to complete the remainder of their sentence. This decision, made by TJJD staff, considers all pertinent records, including offense details and behavioral history at the department. Discharge or transfer to the adult system must occur by age 19.

There are times when local county departments, judges, or other parties are interested in how a particular juvenile is doing or whether they have been released from TJJD and may contact the department for this information. While some

information may be provided, all requests will be reviewed by TJJD and it will be determined if the requested information may be shared.

Q: What questions do you have about TJJD commitment? *(Answer question, if any.)*


There are a few proactive considerations to be mindful of when managing juveniles, either during legal proceedings or when housed in a facility.



Slide 57 – JPO Practical Considerations

Instructor's Corner:

PG: 12

 This slide appears with a picture. Click for the considerations to appear as they are mentioned in the LP. If participants are JSOs, advance to the next slide. If participants are a mix of JPOs | JSOs, proceed with the LP and provide information on this slide and the next.

Trainer Notes:



JPO Practical Considerations | *JPO Specific*

Knowing and understanding the law is critical in the role of JPO. Typical duties include conducting home, school, and employment visits; however, there will be times when juveniles JPOs are tasked with supervising have been taken into custody or must appear in court. There are a few considerations a JPO may rely on regarding juveniles and the law.

(Click for considerations to appear as they are mentioned.)

- Know the law

Taking this training is the first step in knowing, understanding, and following protocols regarding the law. After each legislative session, stay updated on new laws which affect juvenile justice matters and routinely check the TJJD website for updated information. Stay current with case law updates as litigation or decisions are made about juvenile matters in the court system. The Juvenile Law Section of the State Bar of Texas provides a

resource online to review relevant case law changes. (*Website information found in appendix of participant guide.*)

In addition, be aware it is against the law to share information about juveniles or their families with anyone who does not play an active role in their case. Divulging information about a juvenile, including why they are on supervision, is inappropriate, unethical, and may result in disciplinary action.

- Recommend appropriate dispositions

Be sure decisions being considered are in-line with the individual needs of a juvenile. The least restrictive environment must be considered as a first option and rely on placement options in extreme circumstances. Staff cases with coworkers and other appropriate professionals in order to make the most informed decisions.

Also, recommending placement or TJJD does not make a JPO a bad person. Oftentimes, families, juveniles, or attorneys may confront or dispute a JPO's recommendation, however, ultimately the JPO, as an advocate for the juvenile, makes recommendations based on a juvenile's best interest. Further, although a lay person may consider residential placements and TJJD as punishment, they actually provide an assortment of services and programming designed to foster juveniles' success.

- Educate yourself

No one will know a juvenile on probation better than the JPO they are assigned to. Read the complete juvenile case file when it is assigned and stay

abreast of juveniles' behavior at home, school, and the community. Building rapport with parents, school officials, and law enforcement is critical when managing juvenile behavior. If a case is filed as a determinate sentence, read the full police report and other documents, usually located in the prosecutor's office or included in the Juvenile Case Management System (JCMS), if able. This not only provides a complete picture of the juvenile, the alleged offense, and leads to more informed decisions.

Being well prepared for court hearings is critical; it is never known what questions a judge or attorney will ask. Not knowing an answer is okay; be sure to follow up unknown answers and provide the information later, if able. Lastly, consult seasoned coworkers, the local prosecutor, or department legal staff regarding protocols during court proceedings, including whether you will have to testify, specific paperwork, and other rules in place during court matters.

- Be thorough | proofread | double-check documents

A JPO is responsible for explaining and in some cases delivering court documents to juveniles and families, such as a summons and petitions for court. All these documents must be proofread, particularly to make sure all juvenile information is correct, like spelling of a name, birthdate, or identifying juvenile number. If any information is incorrect, contact the prosecutor's office with corrections needed. Further, any document being submitted to the court must be proofread before submission. Nothing is more embarrassing and unprofessional than submitting a pre-disposition report or PDR for one juvenile with another juvenile's name.

- Do not falsify documents

Juvenile justice professionals have a moral and legal obligation to be truthful at all times, on all documents, and particularly during court proceedings. All paperwork and testimony pertaining to juveniles will become part of the official record in the case and may be accessed any time. It is critical to document accurate information, especially, for example, on a summons, which requires the date and time written on the form.

- Inform parent/guardian of their legal rights and responsibilities

When a juvenile must appear in court, they have the right to be represented by an attorney. A parent/guardian must either hire an attorney or apply for a court-appointed attorney. In certain cases, they may need to hire an attorney to represent them.

Parent/guardians also have a legal obligation to assist juveniles in the completion of conditions of probation. Parents, in most cases are allowed to speak in court regarding dispositions and may complete a parental written statement, to be submitted to the court. Parents or legal guardians must be informed of all legal proceedings, what the recommendations will be, and all options the court has. They should also be given the *Parental Rights and Responsibilities* brochure, prepared by TJJD and available at all juvenile probation departments. The brochure may also be accessed on the TJJD website.

- Don't take things personally

This common cliché is often heard by juvenile justice professionals. Be mindful of how families may react, particularly if they are confronted with

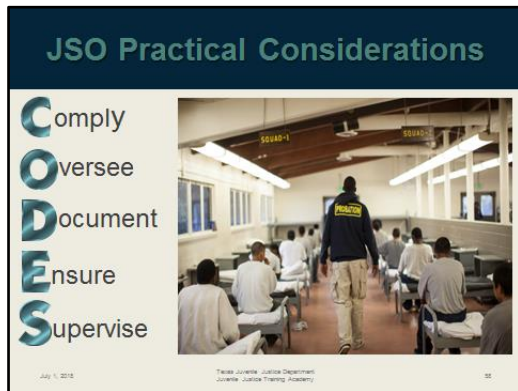
recommendations they do not agree with. It is not uncommon for angry family members to yell at JPOs or other probation staff and they may be untruthful to the court about JPO actions. Imagine a family's position when they are dealing with angry emotions. If a juvenile has been detained for the first time and a JPO is recommending he (or she) be detained, parents or guardians will likely experience heightened emotions. A JPO must be able to diffuse these situations without becoming angry.

Further, when testifying, keep calm and remain professional. Attorneys may twist words and make individuals feel flustered on the stand. It's okay to be nervous, however take time to answer questions truthfully and review the file if necessary, to provide the most accurate answer.

Q: What other ways may help when navigating juvenile law? (*Elicit responses.*)

These considerations are merely suggestions. Use strategies which work best and use them to your advantage.


Let's review this section of the course by doing another activity.



Slide 58 – JSO Practical Considerations

Instructor's Corner:

PG: 13

 This slide appears with a picture. Click for the considerations to appear as they are mentioned in the LP.

Trainer Notes:



JSO Practical Considerations | *JSO Specific*

Knowing and understanding the law is critical in the role of JSO. Typical duties include supervising juveniles in a juvenile detention center or other facility; it is critical to know policies and procedures in place to be compliant with the law as outlined in the Texas Family Code and other related laws. For JSOs, there are a few considerations which may be relied on when supervising juveniles in juvenile detention centers or facilities. The acronym C.O.D.E.S. will aid with explaining key JSO duties and how they relate to the law.

(Click for each letter of the acronym to appear as it is mentioned.)

- Comply with laws, administrative rules, policies, and procedures

A JSO must have a basic understanding of juvenile law and know where to find relevant statutes and policies. Typically, hard copies of policies and procedures are found in the main control area of a juvenile detention facility; however, this may differ with departments. Local policy and procedure must guide day-to-day activities; if a JSO is unaware of these protocols, it puts both juveniles and staff members at risk. A JSO must consult a supervisor or

tenured coworker if certain policies are not known, to ensure compliance, important during audits by TJJD. Further, if a JSO has not been certified, they must not perform the duties of a certified officer.

- Oversee the safety and security of the facility

Safety and security must be on the mind of a JSO at all times; it is critical for the protection of juveniles and fellow staff members. For example, whether in a classroom or housing unit, JSOs must be aware of potentially dangerous items, like cleaning liquids and ensure juveniles do not have access to them or are using items incorrectly. In addition, knowing where equipment is at all times, such as keys to doors or rooms, duress pens or devices used to call for help, and radios reduces the possibility of serious problems later.

JSOs, in addition to being alert and oriented, must be aware of juvenile rights (outlined in the Texas Administrative Code) and ensure these rights are not being violated. For examples, juveniles have the right to adequate food, shelter, and clothing and have the right to be free from excessive force. These along with other juvenile rights keep juveniles safe and reduce unruly behavior. You will learn more about the rights of juveniles in the mandatory *Juvenile Rights* course. Finally, JSOs must remain calm, particularly during emergencies or when a juvenile is angry or upset. Remaining cool under pressure is one way to diffuse emotionally charged situations.

- Document daily operations, report incidents, and activities

JSOs are required to document, in written communication, juvenile behavior, room checks, particularly if a juvenile is in isolation, daily activities, and any activity by another staff member that appears inappropriate or suspect.

Written reports must be documented at the end of a work day, in a clear and organized manner. If a juvenile requires room checks, logs must be completed accurately, by writing down the exact time the check was done, not five minutes before or after the fact. Falsifying documents is a crime, which you will learn more about in the *Understanding Professional Liability* course, and writing down a time for a check when it was never done will result in disciplinary action. A JSO also has a legal duty to report any incident of abuse, neglect, or exploitation involving a juvenile, which you will learn about in the mandatory course *Abuse, Neglect, and Exploitation*.

Remember, all written reports pertaining to juveniles may become part of a court record and personal opinions and biased thoughts are not relevant. Lastly, all written communication must be proofread. A report with multiple errors conveys unprofessionalism and incompetence.

- Ensure safety and well-being of juveniles

Establishing a rapport with juveniles, by listening to them and validating their feelings are a few ways to foster their well-being while in detention. Often, juveniles experience anxiety or depression because of lengthy periods of confinement. Creating relationships with them, while remaining professional, will provide some insight into their emotional state. Talking with juveniles and being able to diffuse a situation before it escalates keeps everyone safe.

Juveniles may have a behavioral management plan in place while in juvenile detention. A JSO must make sure this is implemented and if not, issue appropriate consequences for a juvenile. A consequence may include having

to restrain a juvenile; a JSO must be aware and trained on the approved restraint technique their particular facility has implemented and use it as directed. Knowing proper procedures is another way to keep juveniles and staff safe from injury, while at the same time remaining in compliance of TAC rules (i.e., standards).

- Supervise facility programs and services

JSOs are the backbone of a juvenile detention center. All policies and procedures of the facility must be followed, in part by knowing the JSO-to-juvenile ratio, ratios required when on and off the premises, and all levels of supervision in the facility. Requirements for minimum supervision, gender supervision, and constant visual supervision must also be adhered to.

Typically, JSOs will transport juveniles to specific groups, classes, or functions being held in the facility, such as church services, group counseling, or recreation time. Rules must be followed during transportation to maintain safety and while the group, class, or function is taking place. If a JSO is tasked with facilitating a group, it must be conducted as outlined in policies and procedures. Deviating from the approved material and adding information deemed more relevant is prohibited.

Q: What questions do you have about the JSO specific considerations? (*Elicit responses.*)

Let's review this section of the course by doing another activity.



Slide 59 – Activity | What's the Word?

Instructor's Corner:

PG: 14

Trainer Notes:



For Your Eyes Only-Activity | What's the Word?

1. Have participants turn in their participant guide to the activity entitled, *What's the Word?*
2. Inform participants how much time they will have to complete the puzzle.
3. Inform participants the first person to finish the puzzle correctly will benefit later in the course.
4. Activity should take approximately 20 minutes from start to finish.
5. Debrief the activity as noted in the lesson plan.

Activity Point: This activity is designed to reinforce how a case flows through a juvenile probation department.



Activity: What's the Word?

Time: 20 minutes

We are going to review the second section of the course by completing a crossword puzzle. In your participant guide, turn to the activity titled *What's the Word?*

Individually, take a few minutes to complete the puzzle. The first person to complete the puzzle with all of the correct answers will benefit later in the course.

(Participant who completes the puzzle first with the correct answers will be a team captain in the final activity.)

Debrief

Answer Key

| Across

1. **Proofread** | *Must be completed before including documents in a case file or submitting court reports*
2. **Crossover** | *Type of court providing juvenile courts with shared authority to preside over human trafficking cases*
3. **Calm** | *Remaining in this state, particularly during court, allows juvenile justice professionals to take their time when answering emotionally charged questions*
4. **Petition** | *Document describing an alleged offense and the reason for prosecution*
6. **Detention** | *Type of hearing to determine if a juvenile will be released*

7. **Misdemeanor** | *Less serious crime, like criminal mischief or shoplifting*
8. **Felony** | *Serious offense, such as sexual assault or murder, carrying hefty penalties*
9. **Modification** | *Testing positive for marijuana multiple times may result in this hearing*

| Down

1. **Probablecause** (Two words are combined.) | *Necessary when determining whether there is enough information to support an alleged crime*
5. **Determinate** | *Type of commitment with a mandatory 10-40 year length sentence*

This activity highlights how cases typically flow through the juvenile probation department and other important concepts related to juvenile law.

Q: What questions do you have regarding juvenile case flow? (*Answer questions, if any.*)


Now that we have talked about the basics of juvenile law, as well as what happens with typical cases in the juvenile justice system, let's complete the final activity.



Slide 60 – Activity | Facts of Law

Instructor's Corner:

PG: 15

 Case Studies are JPO | JSO specific. The participant make-up will determine which case studies are used.

JSO Case Studies – PG: 19

Trainer Notes:



For Your Eyes Only – Activity | Facts of Law

1. Case studies are JPO | JSO specific. Trainer will determine which case study will be used during the activity, based on the roles of the participants. There are three case studies for JPOs and JSOs.
2. In groups of 2-4 if possible, have participants read the case study listed in the participant guide and answer the related questions. *(If there are not enough participants for teams, the scenarios may be done individually.)*
3. The two winners from the prior two activities will be team captains and will pick the remaining team captains, if they are needed. The team captains will then pick participants to join their team. *(The number of teams is at the discretion of the trainer.)*
4. The team captains will assign a spokesperson in their group and ensure their group answers all the questions listed in the participant guide. A scribe will need to be assigned, who will write down the groups answers on a piece of chart paper.
5. Each group will hang their chart paper on the wall and present their answers to the large group.

6. After the JPO case studies, the trainer will read a brief explanation of the outcome for the juvenile in juvenile in court.

Activity Point: The point of this activity is to review concepts of juvenile law and to reiterate how the law works in the juvenile justice system.



Activity | Facts of Law

Time: 30 Minutes

In your participant guide, turn to the activity titled *Facts of Law*. Individually or in assigned groups, read the case study, and answer the related questions. We will discuss the case studies as a large group when everyone is finished; including detailing the actual outcome for each of the case studies.

Debrief

(Groups should review their answers to the questions with the large group, written on chart paper. Allow time for brief discussions about the responses, then read the actual outcome of the case-for JPO case studies only. Proceed with this until all case studies have been discussed.)

| JPO CASE STUDIES

Case study 1 – Manny | The Facts

Manny, age 17, and two other gang members, in a retaliation attack allegedly assaulted a family of three in their neighborhood. There were three victims, one of whom was six months pregnant. According to the police report, the pregnant woman was repeatedly hit in the stomach with a baseball bat, by one of Manny's accomplices. The remaining two victims were stabbed. Manny is being held in juvenile detention on three counts of attempted murder.

This is Manny's second violent felony offense; at 14-years-old he was adjudicated on a charge of assault on a public servant and ordered on probation for 18 months. He has had trouble abiding by the court ordered conditions and has had two modification hearings. Manny grew up in a rough neighborhood and is a known gang member. He began associating with gang members when he was in elementary school, around the time his mother died and his father was released from prison. Manny is enrolled in counseling services and is currently on an intense supervision program; however, he is usually not at home when the counselor arrives. If Manny is tried as an adult, he could face years in prison.

1. Will Manny's case be referred to juvenile or adult criminal court?

Manny is on active felony probation, therefore the juvenile prosecutor has authority to determine how his case will be filed.

2. Given the seriousness of the charges, if Manny was 16-years-old, what kind of petition may the prosecutor file? What if Manny was 13-years-old?

If Manny was 16-years-old, the prosecutor may seek to certify him as an adult, with transfer to the adult criminal court system. If he was 13-years-old, the prosecutor may file a determinate sentence petition and the case would be handled in the juvenile court system.

- 3. Based on the information provided, do you think Manny may be rehabilitated? Why or Why not?** *(Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)*

This will vary with each group or individual participants. Based on the information provided, it seems Manny may not be able to be rehabilitated in the juvenile system, due to the seriousness of the crime and lack of support in the home. However, because Manny was not the one who assaulted the pregnant woman, others may feel he deserves another chance on probation.

- 4. Recommendations for Manny should include:** *(Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)*

- **Granted another term on probation? Conditions?**

This question will depend on the group consensus or individual opinions. Have a brief discussion on the various viewpoints. Some conditions which may be recommended include: residential placement, individual and family counseling, anger management classes, restitution to the victims, community service restitution.

- **Granted a term of probation with placement outside the home? Conditions?**
- **Ordered on determinate or indeterminate sentence? Conditions?**
- **Certified and transferred to the adult system?**

Manny's Outcome

Despite Manny not being the one to hit the pregnant woman, the judge in his case found he was not a candidate for probation. The JPO assigned to Manny recommended he be given a second chance in the juvenile system as he had a better chance of being rehabilitated. Based on the offense, Manny was transferred to the adult criminal justice system. Ultimately, in the adult criminal court Manny's charges were reduced from attempted murder to assault with a deadly weapon and he was sentenced to prison.

Case Study 2 – Shawn | The Facts

Shawn, a 16-year old male attacked his mother's boyfriend while he slept on Christmas night, stabbing him in the arms, head, and neck with a knife. According to the police report, there was no explanation for the attack and Shawn claims he has no knowledge of attacking the boyfriend. A psychologist determined the attack stemmed from "an altered state of consciousness," likely from a disturbance in his sleep pattern and concluded Shawn may have been sleep walking. Shawn is already on probation for a robbery charge for stealing a bike from an 11-year-old girl and threatening her with a knife. Shawn reported his drinking has increased and recently he tested positive for marijuana. He was also just expelled from school for being in possession of a controlled substance and sent to the Juvenile Justice Alternative Education Program.

Shawn's home life is chaotic. His mother has a drinking problem and allows Shawn to drink in the home, as early as age six. This was reported to Child Protective Services, which implemented a safety plan with the family at the time. Shawn's father is often out of town due to a job as a truck driver and does not have a significant impact on Shawn's life.

Shawn is being charged with attempted murder; however, the judge postponed the case in order for Shawn to undergo an evaluation to identify appropriate placements for him. Since Shawn was taken into custody on Christmas night, the court is closed over the weekend and will not open again until Tuesday.

1. When must Shawn have an initial detention hearing?

The first working day the court is open. The court is closed on weekends and holidays.

2. If Shawn is diagnosed with a mental illness, what may happen with his case?

The juvenile court will order Shawn's case be delayed until a mental health professional considers him "fit to proceed." If he is deemed unfit to proceed, he is not able to participate in the defense of his case.

3. Based on the information provided, do you think Shawn may be rehabilitated? Why or Why not? (Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)

This will vary with each group or individual participants. Based on the information provided, it seems Shawn may not be able to be rehabilitated in the juvenile system, due to the seriousness of the crime and lack of supervision in the home.

4. Recommendations for Shawn should include: (Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)

- **Granted another term on probation? Conditions?**

This question will depend on the group consensus or individual opinions. Have a brief discussion on the various viewpoints. Some conditions which may be recommended include: residential placement, individual and family counseling, anger management classes, restitution to the victims, community service restitution.

- **Granted on a term of probation with placement outside the home? Conditions?**
- **Ordered on a determinate or indeterminate sentence? Conditions?**
- **Certified and transferred to the adult system?**

Shawn's Outcome

The JPO assigned to Shawn's case recommended commitment to TJJD and the prosecution agreed, however, to the surprise of many, the judge in this case ruled Shawn be given another opportunity on probation, until his 18th birthday. In addition, Shawn was ordered to participate in a vocational program at a local community college, ordered to attend counseling, and community service hours.

Case Study 3 – Lauren | The Facts

Lauren a 13-year-old girl was recently adjudicated in truancy court for frequent unexcused absences from school. The juvenile probation department received her case from the truancy court as a non-arrest contempt of court referral. Lauren and her mother were ordered to pay court costs and because they were not paid, the court transferred the case to the probation department. Lauren was recently taken into custody for shoplifting a \$150 ring. After contacting Lauren's school; the JPO found she had not been attending school regularly for the last four months. Lauren

was given a drug test when she was processed at the intake unit and was clean, however, she has been associating with peers her mother does not approve of, many of them older and known drug users.

Along with her mother, Lauren lives with her two younger siblings. On several evenings during the week, Lauren is expected to watch her two and four-year-old brothers while her mom is working. Lauren does watch her brothers, but usually invites her older group of friends over to the house, where they are usually drinking and doing drugs. The police have been called to the home several times, and a Child Protective Services case is pending investigation.

- 1. What offense did Lauren allegedly commit? Since the offense is classified as a Class B misdemeanor, how will it be filed by the prosecutor?**

Theft higher than \$100 is considered delinquent conduct.

- 2. What type of juvenile offense is truant conduct?**

Status offense.

- 3. Based on the information provided, do you think Lauren may be rehabilitated? Why or Why not? (Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)**

This will vary with each group or individual participants. Based on the information provided, it seems Lauren may be able to be rehabilitated in the juvenile system; however, it seems her mother may need some additional assistance as well. A program which focuses on family dynamic and constant supervision should be considered.

4. Recommendations for Lauren should include: *(Trainer may use his (or her) discretion on whether this question will be discussed, based on time constraints, audience, and/or applicability.)*

- **Granted another term on probation? Conditions?**

This question will depend on the group consensus or individual opinions. Have a brief discussion on the various viewpoints. Some conditions which may be recommended include: residential placement, individual counseling, and community service restitution.

- **Granted a term of probation with placement outside the home?**

Conditions?

- **Ordered on determinate or indeterminate sentence? Conditions?**

- **Certified and transferred to the adult system?**

Lauren's Outcome

The JPO in Lauren's case recommended one year probation, in the custody of her mother, with participation in the family preservation program, which not only provides services to Lauren, but also to the other members of the family. The judge in this case agreed with the JPOs recommendation, however, was considering residential placement. The JPO was able to convince the judge to provide Lauren an opportunity on probation, since she had not received prior services from the department. With the family preservation program in place, Lauren had multiple problems abiding by her conditions of probation and eventually two years later, was ordered into residential placement.

| JSO CASE STUDIES

Case Study 1 – Deluca | The Facts

Deluca, a 15-year-old girl has a felony adjudication on her record, related to theft. Now, she is on misdemeanor probation and is currently housed at juvenile detention, awaiting her court date for a new offense of theft \$1,500-\$20,000. Despite receiving multiple rehabilitative services since she was 12-years-old, Deluca continues to engage in delinquent conduct. When being held at the juvenile detention center, Deluca has minimal behavioral problems and follows the rules.

Since being in juvenile detention, Deluca attempted suicide by tying a sheet around the toilet in her room and then around her neck. The JSO responsible for room checks found Deluca and immediately called for help. Upon further investigation, there were no room checks logged on the room check sheet, although the JSO reported to have made note of the checks on a piece of paper, which she was going to use to log the times at the end of her shift. Further, when the JSO requested assistance, she left the door to the housing unit open and three juveniles walked out and were later found in the cafeteria. During the investigation, the JSO noted she had noticed Deluca seemed sad over the last few days and hadn't been eating, but chalked it up to her just being in detention. She did not report this in her daily reports since she was going to be working on Deluca's housing unit for the rest of the week and could monitor Deluca's behavior herself.

- 1. Did the JSO have a duty to ensure the safety and well-being of juveniles in her care? Why or why not?**

Yes. The JSO had a duty to ensure the safety and well-being of juveniles she was assigned to supervise. The JSO also had a duty to comply with the facility policy which required room checks to be documented at the time of the check. Further, when the JSO requested help, she left the room door unsecure, allowing other juveniles to walk out of the housing unit.

2. What should the JSO have done in this situation?

The JSO must record room checks at the time the check is done. Following this measure not only ensures compliance with policy, it also makes sure correct information is being recorded. Further, the JSO is responsible for securing the housing unit. Leaving a door unlocked may have resulted in a more serious situation.

3. What behaviors did Deluca display which jeopardized the safety and well-being of other juveniles and should have been reported?

The JSO was obligated to report Deluca's sadness and lack of appetite. Although these behaviors may have been a result of confinement, only a mental health professional may evaluate a juvenile to determine this. A JSO's opinion about why a juvenile is acting a certain way is not relevant to a report in a juvenile facility. A JSO must merely report behavior observed and displayed for the next shift.

Case Study 2 – Josie | The Facts

Josie, a 13-year-old girl is currently on probation for possession of marijuana. She was recently detained on a charge of assault with serious bodily injury, and at the time was intoxicated and under the influence of marijuana.

After a visit from her mother, Josie learned her grandmother, whom she was close to, passed away. The death was sudden and unexpected and Josie did not take the news well. She was transported back to the housing unit and during free time, Josie punched another juvenile in the face and a fight ensued. The JSO in charge and a newly employed JSO, assigned to the unit for observation, broke up the fight. The JSO in charge told her new coworker of Josie's grandmother's death and said she was going to give her a pass and not write up the incident. The JSO said losing a relative is hard and it is easy to take out anger on someone else.

1. Did the JSO in charge fail to ensure the safety and well-being of juveniles?

Why or why not?

Yes, the JSO in charge failed to ensure the safety and well-being of juveniles she was assigned to supervise. She allowed Josie to return to the housing unit, knowing she was angry about her grandmother's death. The JSO also failed to issue the appropriate consequence for Josie and did not prepare a written report of the incident. Further, the JSO in charge should have instructed the new JSO to avoid attempted to break up a fight or any other incident involving juveniles, unit she is trained in proper restraint techniques. Since the newly hired JSO had not received proper training, she may be liable for any injuries she caused during the restraint of the two juveniles.

2. What should the JSO in charge and the newly hired JSO have done in this situation?

The JSO should have made sure Josie talked with a mental health professional before going back to the housing unit. Taking her back there without properly processing her grandmother's death, may have contributed to Josie taking her anger out on another juvenile. Also, a newly hired JSO must ensure he (or she) has been properly trained in

approved restraint techniques and must refrain from becoming involved in any situation with juveniles, particularly physical altercations.

3. Why must the information about Josie and her grandmother's passing be reported to the next shift?

All juvenile justice professionals have a legal obligation to report and document daily operations, incidents, and activities which happen during their shift. This not only keeps staff members well informed, it lowers the risk of disruptive incidents on the housing unit.

Case Study 3 – Oliver | The Facts

Oliver, a 12-year-old is currently on probation for possession of marijuana (misdemeanor) and was recently taken into custody for possession of marijuana and a controlled substance (felony offense).

After Oliver's initial detention hearing, in which he was detained, he was placed on a housing unit and begins talking with the JSO in charge. Oliver began bragging about his gang activity and told the JSO he was "the big man in charge." The JSO listened to Oliver and came to the conclusion he was a wannabe and was only saying he was a gang member so he could fit in with the other juveniles. Later, the JSO overheard Oliver talking to another juvenile about joining his gang, and thought nothing of it. He figured it was just talk. A few days later, Oliver and three other juveniles jumped another juvenile, as part of the initiation to join the gang. The juvenile sustained a broken nose during the altercation.

1. Did the JSO have a duty to ensure the safety and well-being of juveniles?

Why or why not?

Yes, the JSO had a duty to ensure the safety and well-being of juveniles he was tasked with supervising. BY allowing his personal opinion of a juvenile cloud his judgment, a physical altercation occurred in the facility.

2. What should the JSO have done in this situation?

When the JSO heard the juvenile trying to recruit another juvenile to join a gang, he should have stopped the conversation and issue appropriate sanctions. As a JSO, it is imperative to observe and report actions and conversations of juveniles, whether it is believed or not. This information is critical in reducing incidents in the facility.

3. How should the JSO have responded when Oliver talked to him about being involved with gang activity?

Juvenile justice professionals are in some cases, the only role model or mentor juveniles in care have. JSOs must facilitate positive conversations with juveniles, so the JSO in the case study should have turned the conversation into something more constructive, such as Oliver's hobbies or goals for the future. When Oliver began talking about gang involvement, the JSO should have followed procedures outlined in policy. Be sure to check local policies and procedures regarding sanctions for gang activity or conversation.

Q: What questions do you have about the activity? *(Answer questions, if any.)*

Each of these situations vary in circumstances, however, they may mirror cases we may encounter daily. JPOs must advocate for the best interest of a juvenile and JSOs

must adhere to policy and procedure, to ensure the safety and security of everyone in a facility. Although juvenile justice professionals do not have the authority to interpret the law, they do have a moral, legal obligation to uphold it and regard the role played in the lives of juveniles seriously.


We have come to the end of the course today. Let me leave you with some final thoughts.



Slide 61 – Final Thoughts

Instructor's Corner:

PG: 21

 This slide appears with a picture. Click for final thoughts to appear as they are mentioned in the LP.

Trainer Notes:



FINAL THOUGHTS

Today, an overview of the law as it pertains to juveniles and the job of a juvenile justice professional has been provided.

(Click for final thoughts to appear as they are mentioned.)

Consider these final thoughts:

- An understanding of the law is critical to the job of a juvenile justice professional.
- Juveniles and their families must have an understanding of the law and how it may impact them.
- Legal decisions will directly affect a juvenile's rehabilitation and success during their supervision term.

(Inform participants the contact information is located in the appendix of the participant guide.)

For guidance and questions upon return to the office, contact the local district or county prosecutor's office or the following, located in the appendix of the participant guide:

- Texas Juvenile Justice Department
 - www.tjjd.texas.gov
- TJJD Legal Help Desk
 - legalhelp@tjjd.texas.gov
- Juvenile Law Section, State Bar of Texas
 - www.juvenilelaw.org

(Other resources are found in the appendix of the participant guide.)

Thank you for attending the *Foundations of Juvenile Law | Texas Family Code and Related Laws* course today.

| GLOSSARY

Adjudication – Adjudication means allegations of delinquent conduct against a juvenile have been found to be true by a juvenile judge or jury.

Adjudication Hearing – An adjudication hearing is a fact-finding trial in juvenile court to determine whether or not a juvenile engaged in delinquent conduct or in conduct indicating a need for supervision.

Arrest – In an adult case, the term arrest means to take physical custody or to apprehend a person by lawful authority to answer a criminal charge.

Bond/Bail – Bond refers to the written promise of a person accused of a crime (or a surety on his or her behalf) to secure release from custody under specified conditions designed to assure the person's appearance in court when required. The term also refers to the amount of bond money posted as a financial condition of pretrial release. Juveniles do not have the right to bail and a bond may not be posted in proceedings under the Family Code.

Community Supervision – Community supervision (i.e., adult probation) refers to the dispositional option available after a criminal conviction in which the court imposes certain terms and conditions upon an adult defendant, including the requirement to participate in a continuum of programs and sanctions for a specific period of time.

Conduct in Need of Supervision – A type of juvenile offender who has been adjudicated in juvenile court for a status offense or certain misdemeanor offenses classified as conduct indicating a need for supervision (CINS).

Convicted/Conviction – A conviction is a judgment of guilt against a criminal defendant.

Criminal – Criminal is used to describe an adult defendant who has been charged with and convicted in court of a criminal offense.

Defendant - In a criminal case, a defendant is the person accused of committing a criminal offense. In a civil case, the defendant refers to an individual or business against whom a lawsuit is filed.

Directive to Apprehend – A directive to apprehend is a type of warrant issued by the juvenile court if the court finds there is probable cause to take a juvenile into custody under the provisions of the Family Code.

Indictment – An indictment is a formal charge issued by a grand jury stating there is enough evidence the defendant committed a criminal offense to justify having a trial; it is used primarily for felonies.

Information – In a criminal case, the information is a formal accusation by a prosecutor that the defendant committed a misdemeanor.

Petition – A petition is a document filed in juvenile court initiating the case and states the allegations of the conduct to be prosecuted in a juvenile proceeding.

Plea of Guilty/Not Guilty - In a criminal case, a defendant's statement pleading "guilty" or "not guilty" in answer to the charges.

Plea of True/Not True – In a juvenile case, a juvenile's statement pleading "true" or "not true" in answer to alleged conduct.

Probation – Probation is a dispositional option available to the juvenile court under provisions of the Texas Family Code. A juvenile on court-ordered probation may be allowed to remain at home under the supervision of the juvenile probation department and required to comply with written conditions, as well as participation in a range of rehabilitative programs and services.

Release to Parents – The circumstance in which a juvenile in custody is released to a parent, guardian, custodian or other responsible adult conditioned upon the person's promise to bring the juvenile to court when required. A juvenile will always be released to a parent unless the court has a legal basis to detain the child.

Respondent – A respondent is a juvenile who is the subject of a proceeding in juvenile court. The use "respondent" rather than "defendant" is derived from the civil nature of juvenile cases.

Taken into Custody – A juvenile is taken into custody by a law enforcement officer upon order of the juvenile court, under the laws or arrest, or upon probable cause to believe the juvenile committed delinquent conduct or other law violations.

Trial – A trial is a fact-finding proceeding in civil or criminal court in which a judge or jury considers evidence and the testimony of witnesses to decide a verdict of guilt, innocence, or civil responsibility.

Warrant – A warrant is a document issued by a criminal court authorizing a law enforcement officer to conduct a search or make an arrest.